UTC
The Telecommunications Association

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June 8, 1995

Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: PR. Docket No. 93-61

Dear Mr. Caton:

UTC hereby requests leave to file the attached comments one day late. As a result of an apparent mis-communication the courier that was dispatched to file UTC's comments on June 7, 1995, brought them to the Commission, had them "scanned," and then, after being told that the package was "ready to go," returned the entire set to UTC. It was not until after the closing of the Secretary's Office that UTC became aware of the problem.

A photocopy of the envelope bearing the June 7, 1995 scanner stamp is attached for the record.

Should any questions arise concerning this request, please communicate with the undersigned.

Cordially yours,

Sean A. Stokes
Senior Staff Attorney

Attachments

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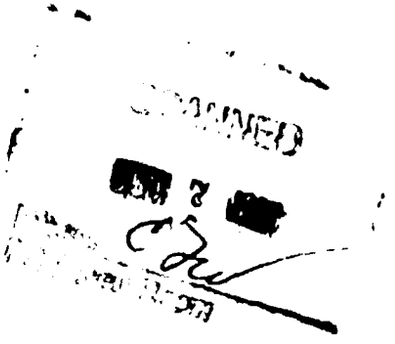

PLEASE RUSH

VIA MESSENGER - ROUND TRIP
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Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20036

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Part 90 of the	)	
Commission's Rules to Adopt	)	PR Docket No. 93-61
Regulations for Automatic	)	
Vehicle Monitoring Systems	)	

To: The Commission

UTC REPLY TO COMMENTS ON PETITION FOR RECONSIDERATION

Pursuant to Section 1.429(g) of the Commission's Rules, UTC[1/] hereby submits the following reply to the comments filed on UTC's "Petition for Reconsideration" of the Report and Order, FCC 95-41, released February 6, 1995 (R&O) in the above-captioned matter.[2/]

I. INTRODUCTION

UTC, as the national representative on communications matters for the nation's electric, gas, water, and steam utilities, has been an active participant throughout this docket. On April 24, 1995, UTC filed a petition requesting reconsideration of four aspects of the R&O: (1) restricting

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[1/] UTC, The Telecommunications Association, was formerly known as the Utilities Telecommunications Council.

[2/] These reply comments are timely filed in accordance with the specifications of FCC Rule Section 1.4(h) regarding the filing of responses to comments served by mail.

ancillary LMS communications; (2) clarification of testing procedures; (3) elimination of de facto height limits on Part 15 devices; and (4) tightening of height/power limits on narrowband forward links operating in the 927.250-928.000 MHz band. Below, UTC addresses the comments filed in response to UTC's petition.

I. Commenters Agree That The Restrictions on Ancillary LMS Communications Should Be Strengthened to Retain the Primary Purpose of LMS as Location Monitoring, Not Voice or Data Communications

In its petition, UTC noted that despite the Commission's good intentions, the current rule provisions will not effectively deter the conversion of LMS systems into general messaging or interconnected voice or data services. The vast majority of commenters, both Part 15 and LMS proponents alike, agree with UTC that absent more stringent controls the ancillary messaging and "store and forward" provisions of the R&O have the potential to allow LMS to degenerate into a standard messaging service.[3/] As SBMS notes the FCC must underscore that the primary purpose of LMS is vehicle location and monitoring "[t]he FCC must make clear that it will not tolerate attempts to convert LMS into a PCS-like service, and that it will deal forcefully with those who do not

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[3/] Pinpoint Communications, pp. 21-22; Southwestern Bell Mobile Systems (SBMS), pp. 15-17; AT&T, p. 5; Part 15 Coalition, pp. 13-14; Itron, p. 5; Ad Hoc Gas Distribution Utilities, pp. 12-13; American Telemedicine Association (ATA), pp. 5-6, Telecommunications Industry Association (TIA), pp. 10-12; Connectivity for Learning Coalition (CLC), pp. 1-2; Metricom, pp. 2-4; and Cellnet Data Systems, pp. 8-10.

abide by this restriction."[4/]

In contrast, Teletrac and MobileVision are alone in arguing that the FCC should not restrict or constrain LMS use of voice or interconnected services.[5/] The sole justification for the expanded service offerings that these two parties put forward is that it is in the public interest to let the marketplace decide upon the services that LMS provides.[6/] This argument fails to recognize that the FCC is attempting to craft rules that will allow for the effective sharing of heavily congested spectrum; mere commercial viability of a particular service offering cannot therefore be the sole test for determining what types of services are allowed. The FCC must also look to the impact of such offerings on the other users of the band. It is indisputable that interconnected voice communications and messaging services will dramatically increase the overall interference levels in the band.

A number of commenters[7/] agree with UTC that the Commission should not allow LMS systems to interconnect with the PSTN. This will serve as a major deterrent to the use of LMS systems for

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[4/] SBMS, p. 16.

[5/] MobileVision, p. 3; and Teletrac, p. 13.

[6/] Teletrac, p. 13; and MobileVision, p. 3.

[7/] Metricom, p. 3; Gas Utilities, p. 13; Part 15, pp. 12-13; and CLC, pp. 1-2.

general voice and data communications and will help to ensure that LMS channels are used principally for location and monitoring functions.

To the extent it is deemed advisable to allow LMS systems to be used to transmit "emergency" communications the Commission should prescribe technical restrictions to ensure that such use is limited to pre-programmed emergency signals/messages related to a vehicle or a passenger in a vehicle. Such real-time, interconnected communications should only be sent to or received from a system dispatch point or entities eligible in the Public Safety or Special Emergency Radio Services.

As UTC noted in its Petition, absent these reasonable restrictions, channel occupancy in the 902-928 MHz band could become congested with traditional voice and data traffic, making them unusable for Part 15 devices. The Commission is currently engaged in the auctioning of a large amount of spectrum that has been specifically designated for mobile radio communications including voice services. Thus, there is no justification to impose an additional burden on the sharing of the already congested 902-928 MHz band.

II. Testing Procedures Must Be Clarified

In its Petition, UTC requested the Commission to clarify and strengthen the procedures under which LMS licensees will be required to demonstrate compatibility with Part 15 devices. As the Gas Utilities and the Part 15 Coalition note, the failure to specify specific testing procedures undercuts the interference standards and protections adopted in the R&O.[8/]

A few of the LMS proponents raise procedural arguments against pre-authorization testing, claiming that it impermissibly elevates and alters the status of Part 15 users in relation to LMS licensees. These arguments are without merit. As Metricom notes, the testing requirement is contained within Part 90 of the Rules -- not Part 15.[9/]

Given the importance of well-defined testing procedures to successful bandsharing, UTC continues to request that the FCC clarify that: Part 15 manufacturers and users have an opportunity to participate in the design and implementation of the tests; no revenue service may be initiated before successful completion of testing; LMS licensees may operate their systems only in conformance with the systems as tested and approved; and no changes may be made in the operating parameters as approved during the testing process without re-testing.

[8/] Gas Utilities, p. 11; and Part 15 Coalition, p. 6.

[9/] Metricom, p. 13.

III. The Rules Should Not Impose De Facto Height Limits On Part 15 Devices

Section 90.361(c)(2) provides that a Part 15 device with an outdoor antenna will not be considered to be causing harmful interference to a multilateration LMS system if, among other things, the antenna is less than 5 meters above ground or is less than 15 meters above ground but operating at reduced power. While the FCC describes this provision as imposing no restriction on the height of Part 15 devices,[10/] it will in fact impose a de facto limit on the height of many Part 15 devices. In its Petition, UTC opposed the arbitrary nature of this de facto limit on the height of many Part 15 devices.

In opposition to UTC, Pinpoint argues that unlicensed Part 15 transmitters operating at heights in excess of 5 meters may still be deployed throughout the band.[11/] What Pinpoint's argument fails to recognize is that even though the rules as adopted would not prohibit use of these Part 15 devices more than 5 meters above ground, the rules would subject these devices to claims of harmful interference from LMS operations, thereby jeopardizing the millions of dollars in investment made by the utility industry and others. This level of risk is unacceptable.

[10/] R&O, para. 36.

[11/] Pinpoint, pp. 15-16.

UTC therefore reiterates its request that the 5-meter height limit specified in Section 90.361(c)(2) be removed, or that the limit be raised to at least 15 meters above ground. Alternatively, and in recognition of the unique communications networks being developed by utilities to promote the safe and efficient delivery of public utility services, Section 90.361(c)(2)(ii)(B) could be revised as follows:

> (B) Is operated by an entity eligible under Subparts B or C of Part 90 or under Section 90.63.

IV. Height/Power Limits Should Be Imposed On Narrowband Forward Links Operating in the 927.250-928.000 MHz Band.

In order to minimize the potential for interference by LMS narrowband forward links operating in the 927.250-928.00 MHz band into co-channel and adjacent channel operations, UTC recommended that reasonable height/power limits be adopted. As UTC pointed out, the adjacent 928-929 MHz band is allocated for use in remote transmit stations of Multiple Address Systems (MAS) licensed under Part 94, and there have been many instances of interference from high power paging operations at 929-930 MHz into adjacent band MAS operations.

Teletrac opposes UTC's recommendation on the grounds that additional height/power limits would compel LMS operators to build additional sites in order to obtain sufficient coverage.[12/] Teletrac's argument should be rejected as

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[12/] Teletrac, p. 17.

unpersuasive. There is no sound policy reason that justifies licensees in one service being allowed to cause interference to another licensed service that is operating in another band.

V. Conclusion

UTC commends the Commission for attempting to balance the interests of all parties, but urges the Commission to adopt appropriate safeguards to ensure that the deployment of licensed LMS systems will not jeopardize the continued utility of the millions of consumer, business, and industrial devices operating in this band. To this end, it is necessary for the Commission to take the following actions on reconsideration: (1) restrict ancillary LMS communications; (2) clarify testing procedures; (3) eliminate de facto height limits on Part 15 devices; and (4) adopt height/power limits on narrowband forward links operating in the 927.250-928.000 MHz band.

WHEREFORE, THE PREMISES CONSIDERED, UTC respectfully requests the Commission to reconsider its decision in this matter in accordance with the views expressed herein.

Respectfully submitted,

UTC

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Dated: June 7, 1995

CERTIFICATE OF SERVICE

I, Kim B. Winborne a secretary of UTC, The Telecommunications Association hereby certify that I have caused to be sent, by first class mail, postage prepaid, this 7th day of June 1995, a copy of the foregoing to each of the following:

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